

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

MID-MONTH MEETING MINUTES**

JUNE 22, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Board Members Present:

Ron Alvarado, Vice President
Anne Sheehan, Member
Maeley Tom, Member

2. REPORT OF THE EXECUTIVE OFFICER

Laura Aguilera, Interim Executive Officer, State Personnel Board (SPB)

The Board was advised of the following:

- A. SPB staff met with the Agency Undersecretary and Department of Finance to begin discussions of the upcoming fiscal year 2005-06, budget process.
- B. The Little Hoover Commission has scheduled a hearing on Thursday, June 24, 2004, to discuss

** The Minutes for the Board can be obtained at the following Internet address:
<http://www.spb.ca.gov/calendar.htm>

"Building Management Capacity in State Government."

- C. SPB staff attended the "Passing of the Torch of Leadership" ceremony held on June 9, 2004, at the Cooperative Personnel Services (CPS) facilities in Sacramento. Jerry Greenwell is now the CEO of CPS Human Resource Services.

3. REPORT OF THE CHIEF COUNSEL - Karen Brandt, Senior Staff Counsel, State Personnel Board

Litigation:

- A. SPB v. Department of Personnel Administration (DPA) (Board of Adjustment litigation) - SPB staff counsel filed the Board's response to the California State Employees Association's (CSEA) amicus brief in the California Supreme Court. This matter is now fully briefed and is ready to be scheduled for oral argument.
- B. SPB v. CSEA (Post and Bid litigation) – On June 21, 2004, the California Correctional Peace Officers Association filed an application with the California Supreme Court asking to file an amicus curiae brief late.
- C. Henning v. California Department of Corrections (CDC) and SPB – The Court of Appeal for the Third Appellate District has scheduled oral argument in this case for August 18, 2004. This matter challenges a precedential decision issued by the Board that applied the most recent provisions of the Fair Employment and Housing Act and found that a state department has to engage in the interactive process before it may deny an employee's request for reasonable accommodation and medically demote that employee to a different classification.
- D. Steven Paul v. SPB – In this matter, the plaintiff sought to file a writ petition in the California Supreme Court, asserting that SPB should be deemed to lose jurisdiction over a whistleblower retaliation complaint if

it fails to issue a notice of findings within the statutory time limits. On June 9, the Supreme Court transferred this matter to the Court of Appeal. On June 17, 2004, the Court of Appeal denied the writ petition.

- E. Ward Connerly v. SPB – On May 4, 2004, the Court of Appeal issued an unpublished decision affirming the decision of the Superior Court finding that the real parties in interest are jointly and severally liable, along with the state agency parties, to the plaintiff for the payment of his attorneys' fees. The total amount of the fees approved by the court was \$488, 067.64. The advocacy groups that comprise the real parties in interest have filed a petition for review in the California Supreme Court. The plaintiff has filed its opposition to that petition.
- F. Daniel Pancoast v. CDC and SPB - The appellant in this case was rejected on probation as a Correctional Officer. The appellant appealed his rejection to the Board. The Board adopted a decision revoking the rejection. CDC filed a writ petition in court to challenge the Board's revocation. The court granted the writ petition and ordered the Board to reinstate the rejection. At its meeting on April 20, the Board complied with the court's order. The appellant in that case has now filed an appeal with the Third Appellate Court of Appeal challenging the superior court's decision.
- G. Daniel Esquivel v. CDC and SPB – CDC dismissed appellant, a correctional officer. The Board issued a non-precedential Board decision revoking the dismissal. CDC filed a writ petition in superior court. The superior court denied CDC's writ petition and affirmed the Board's decision. CDC has filed an appeal from the superior court's decision in the Court of Appeal for the Fourth District.
- H. California Highway Patrol (CHP) v. SPB (Dewey Anderson) – CHP dismissed Dewey Anderson, a CHP Officer. The Board adopted a decision revoking the dismissal. CHP filed a writ petition in the superior

court to challenge the Board's decision. The superior court denied CHP's petition and affirmed the Board's decision. CHP has filed an appeal with the Court of Appeal for the Third Appellate District to challenge the superior court's decision.

Other:

Last week during DPA's Return to Work Coordinator training, Senior Staff Counsel Karen Brandt provided training about the Board's decisions with respect to reasonable accommodation, disability discrimination and medical actions.

SPB's State Employee Mediation Program is providing training this week for volunteer mediators.

4. NEW BUSINESS
(Items may be raised by Board Members for scheduling and discussion at future meetings.)

No New Business

5. REPORT ON LEGISLATION – Sherry Hicks

The Board was advised of the following:

- A. The Board was updated on the status of the Board-sponsored legislation, AB 2275 (Dymally), which would repeal existing requirements to annually establish employment goals and timetables based on race or gender that were invalidated by the California Court of Appeal in Connerly v. State Personnel Board. It would re-title Chapter 12 of Part 2, Division 5, Title 2 of the Government Code from "Affirmative Action Program" to "State Equal Employment Opportunity Program."

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. DELIBERATION ON ADVERSE ACTION, DISCRIMINATION COMPLAINT, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matter submitted at prior hearing, on proposed decisions, petitions for rehearing, rejected decisions, remanded decisions, submitted decisions, and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (a), and 18653 (2).]

7. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code Sections 11126 (e)(1), 18653.]

None

8. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature. [Government Code Section 18653.]

9. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

10. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF JULY 7, 2004, SACRAMENTO, CALIFORNIA

BOARD ACTIONS

11. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF JUNE 8, 2004
NO ACTION

12. ACTION ON SUBMITTED ITEMS (See Minutes page 22)
These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

13. EVIDENTIARY CASES

The Board Administrative Law Judges conducts Evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints. On June 22, 2004, the Board adopted by vote (Alvarado, Sheehan, Tom) as indicated below, the following decisions presented by Karen Brandt, Senior Staff Counsel, State Personnel Board.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting.

DORYANNA ANDERSON-JOHNSON, CASE NO. 00-1687A

Appeal from denial of reasonable accommodation
Correctional Lieutenant
California Rehabilitation Center - Norco
Department of Corrections
NO ACTION

ANDREW CIRNER, CASE NO. 03-2241EA

Appeal from denial of request for
reasonable accommodation
Senior Psychiatric Technician
Department of Mental Health
NO ACTION

RICHARD COELHO, CASE NO. 02-1796R

Appeal from constructive medical termination
Fish and Game Warden
Department of Fish and Game
NO ACTION

SHANNON FROEMING, CASE NO. 03-2871EA

Appeal from denial of request for reasonable
accommodation
Employment Program Representative
Employment Development Department
NO ACTION

PAUL H. KEMP, Case No. 01-2841
Appeal from dismissal
Teacher Assistant - Youth Correctional
Reception Center and Clinic - Sacramento
Department of the Youth Authority
NO ACTION

JENNIFER KILL, CASE NO. 02-2164B
Appeal for determination of back salary,
benefits and interest
Supervising Cook
California Correctional Institution - Tehachapi
Department of Corrections
NO ACTION

RAY MARTINEZ, CASE NO. 03-3344
Appeal from dismissal
Correctional Officer
Substance Abuse Treatment Facility – Corcoran
Department of Corrections
NO ACTION

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health
NO ACTION

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299
Appeal from five-percent reduction in
salary for six months
Special Agent
Department of Corrections
NO ACTION

ALICE VAN-THU, CASE NO. 03-0413
Appeal from automatic resignation
Administrative Support Coordinator I
California State University –
Monterey Bay
NO ACTION

BEVERLY WILSON, CASE NO. 03-1150A
Appeal from dismissal
Administrative Support Assistant II
California State University - Carson
NO ACTION

B. CASES PENDING

- Oral Arguments
These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

MARK BRAVO, 03-3135
Petition for Rehearing
Supervising Registered Nurse
Department of Mental Health
ACTION: On June 8, 2004, the Board adopted a resolution finding that appellant is not entitled to an award of benefits for the period that he was incarcerated.

LORI BERWICK, 03-1130, 03-1131, &
03-2275
Appeal from salary reduction, suspension & dismissal
Office Services Manager II
Board of Equalization
ACTION: On June 8, 2004, the Board adopted a resolution granting appellant's request for an order to show cause and directing the Board of Equalization to pay appellant all back pay and benefits owed to her.

June 22, 2004

- Court Remands

These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

DENNIS VALENTINO, CASE NO. 03-3223

Appeal from suspension

Pest Control Specialist

California State University – Long Beach

On June 8, 2004, the Board adopted the decision approving Stipulation for Settlement.

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

ERNESTINE FORREST, CASE NOS. 00-0375B & 00-1274B

Appeals for determination of back-pay, interest and benefits

Corporations Counsel

Department of Corporations

ACTION: Back-pay, interest and benefits awarded.

SHARNA WILSON MCMILLAN, CASE NO. 03-2395

Appeal from fifteen-work-days suspension

Fair Employment and Housing Consultant I

Department of Fair Employment and Housing

ACTION: Fifteen-work-days suspension sustained.

LINDA PARDY, CASE NO. 03-1376E
Appeal from denial of reasonable
accommodation
Environmental Scientist
San Diego Regional Water Quality Control
Board
ACTION: Appeal granted.

SYRUS PARVEZIAN, CASE NOS. 03-0041 and
03-0852
Appeal from thirty-calendar-days suspension and
dismissal
Associate Engineering Geologist
Department of Transportation
ACTION: Thirty-calendar-days suspension and
dismissal sustained.

PAUL RICHARD, CASE NO. 04-0139
Appeal from demotion
Associate Governmental Program Analyst
Department of Corrections - Sacramento
ACTION: Demotion revoked.

MATTHEW SEIFERT, CASE NO. 03-2397
Appeal from dismissal
Officer
California Highway Patrol
ACTION: The Board issued a special resolution
sustaining appellant's dismissal.

KEITH THOMAS, CASE NO. 03-2869
Appeal from complaint of disability discrimination and
unlawful retaliation
Parole Agent I
Department of Corrections - Long Beach
ACTION: The Board issued a special resolution
denying appellant's appeal from complaint of disability
discrimination and unlawful retaliation.

JAMES MICHAEL WOLF, CASE NO. 04-0278
Appeal from Official Reprimand
Youth Correctional Counselor
Department of the Youth Authority
ACTION: Official reprimand sustained.

- Proposed Decisions Taken Under Submission At Prior Meeting

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

NONE

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

SAUNDRA AVILA, CASE NO. 03-3419

Appeal from non-punitive termination

Correctional Officer

California Institution for Men – Chino

ACTION: Petition for rehearing filed by appellant denied.

ESTEBAN MORALES, CASE NO. 03-2813

Appeal from two-step reduction in salary for six-months and reassignment to another shift Psychiatric Technician

Department of Developmental Services

ACTION: Petition for rehearing filed by appellant denied.

RANDOLPH NOBLE, M.D., CASE NO. 03-0741
Appeal from whistleblower retaliation
Medical Consultant (Enforcement)
Medical Board of California
Petition for rehearing filed by appellant
to be granted or denied
ACTION: Retracted from State Personnel Board
agenda, not for Board consideration.

RICHARD WISLER, CASE NO. 03-2827
Appeal from five-percent reduction in salary for ten
months
Transportation Engineering Technician
Department of Transportation
Petition for rehearing filed by appellant to be granted
or denied
ACTION: Retracted from State Personnel Board
agenda, not for Board consideration.

- Whistleblower Notice of Findings
The Board will vote to grant or deny a petition
for rehearing filed by one or both parties,
regarding a Notice of Findings issued by the
Executive Officer under Government Code,
section 19682 et seq. and Title 2, California
Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts,
briefs, or the setting of oral argument before the Board.

DONALD ATKINS, CASE NO. 03-1448P
Appeal from five-percent reduction
in salary for six months
Correctional Officer
California State Prison, San Quentin
Department of Corrections at San Quentin
NO ACTION

June 22, 2004

TIMOTHY BOBITT, CASE NO. 02-2856

Appeal from suspension

Senior Special Agent in charge

Department of Justice – Sacramento

ACTION: On May 4-5, 2004, the Board adopted a precedential decision denying appellant's motion to dismiss and remanding matter for hearing on the merits.

Nicholas Comaites, CASE NO. 03-0062

Appeal from official reprimand

Correctional Counselor II

Department of Corrections

AND

Paul Ward, CASE NO.03-0332

Appeal from official reprimand

Correctional Administrator

Department of Corrections

NO ACTION

MICHELLE DAWKINS, CASE NO. 03-2755

Appeal from demotion

Fiscal Services Supervisor to Typist Clerk III

Human Services Agency, Merced County

NO ACTION

RONALD GALI, CASE NO. 03-0462

Appeal from dismissal

Native American Spiritual Leader

Folsom State Prison - Represa

Department of Corrections

NO ACTION

DEBRA GREENE, CASE NO. 03-0621

Appeal from non-punitive termination

Psychiatric Social Worker, CF

Department of Corrections

NO ACTION

MARTIN HERNANDEZ, CASE NO. 02-4449P

Appeal from demotion

Correctional Sergeant

Calipatria State Prison – Imperial

Department of Corrections

NO ACTION

ELIZABETH HERRERA, CASE NO. 03-2220A
Appeal from constructive medical termination
Administrative Support Coordinator I
California State University – San Jose
NO ACTION

MARY HUTTNER, CASE NO. 02-1690
Appeal from demotion
Staff Services Manager I to the
position of Associate Health Program
Advisor (top step)
Department of Health Services
NO ACTION

CONNIE JAMES, CASE NO. 03-3136
Appeal from 15-working days'
suspension
Accounting Technician
Employment Development Department
NO ACTION

CONNIE JOHNSON, CASE NO. 03-2620
Appeal from 30 calendar days suspension
Employment Program Representative
Employment Development Department
NO ACTION

HUGO LANDEROS, CAE NO. 03-3190
Appeal from dismissal
Employment Program Representative
Employment Development Department
NO ACTION

JACQUELYN McCARVER, CASE NO. 03-0669
Appeal from demotion
Correctional Sergeant
Rainbow Conservation Center - Fallbrook
Department of Corrections
NO ACTION

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health
NO ACTION

LEIJANE OGAWA, CASE NO. 03-2943E
Appeal from discrimination
Office Assistant (General)
Department of Transportation
NO ACTION

MARYLAND PAGE, CASE NO. 03-3703
Appeal from five-percent reduction in
salary for twelve-months
Correctional Officer
Ironwood State Prison - Blythe
Department of Corrections
NO ACTION

VIRGINIA PARKER, CASE NO. 03-0325
Appeal from demotion
Correctional Lieutenant
Ironwood State Prison – Blythe
Department of Corrections
NO ACTION

KEVIN REDDINGTON, CASE NOS. 03-2646 & 03-
0386P
Appeal from ten-percent reduction in salary for six pay
periods, and dismissal
Office Technician (Typing)
Department of Forestry and Fire Protection
NO ACTION

KIM RITTENHOUSE, CASE NOS. 03-3541 &
03-3542E
Appeal from denial of reasonable accommodation
And from constructive medical termination
Office Technician (General)
Department of Fish and Game
NO ACTION

PEARLIE BLEDSOE-TOWNES, CASE NO.
03-2966E
Appeal from denial of request for reasonable
accommodation
Correctional Sergeant
Central California Women's Facility – Chowchilla
Department of Corrections
NO ACTION

DENNIS UYEDA, CASE NO. 03-2396P
Appeal from five-working-days suspension
Latent Print Analyst II
Department of Justice
NO ACTION

NANCY VALENTINO, Case No. 03-0699
Appeal from dismissal
Psychiatric Technician
Department of Developmental Services
NO ACTION

GARY WHALEY, CASE NO. 03-1420E
Appeal from discrimination
Employment Program Representative
Employment Development Department
NO ACTION

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT
CODE SECTION 18671.1 EXTENSION
(See Agenda Pages 25-26)
15. NON-EVIDENTIARY CASES
On June 22, 2004, the Board adopted by majority vote
(Alvarado, Sheehan, Tom) as indicated below, the following
decisions presented by Laura Aguilera, Interim Executive
Officer, State Personnel Board.

A. WITHHOLD APPEALS

FLOYD CARTER, CASE NO. 03-2282
Correctional Officer
Department of Corrections
ACTION: DENIED

SILVIA CAZARES, CASE NO. 03-2051
Correctional Officer
Department of Corrections
ACTION: DENIED

SHAWN HARB, CASE NO. 03-2126
Correctional Officer
Department of Corrections
ACTION: DENIED

GRANT HARPER, CASE NO. 03-2015
Correctional Officer
Department of Corrections
ACTION: DENIED

LOUIS HIXSON, CASE NO. 03-2121
Correctional Officer
Department of Corrections
ACTION: DENIED

SHAHADAT HUSSAIN, CASE NO. 03-1730
Correctional Officer
Department of Corrections
ACTION: Retracted from agenda by State Personnel
Board Staff. Not for Board consideration.

CHRISTIAN HUTCHINGS, CASE NO. 03-2465
Correctional Officer
Department of Corrections
ACTION: DENIED

MARIA JORGENSEN, CASE NO. 03-1567
Correctional Officer
Department of Corrections
ACTION: DENIED

WILLIAM LAMPLEY, CASE NO. 03-1734
Correctional Officer
Department of Corrections
ACTION: DENIED

BRYAN LUCKETTA, CASE NO. 03-1830
Correctional Officer
Department of Corrections
ACTION: Retracted from agenda by State Personnel
Board Staff. Not for Board consideration.

DANTE MARKS, CASE NO. 03-1731
Correctional Officer
Department of Corrections
ACTION: DENIED

BRIAN NEWMAN JR., CASE NO. 03-1581
Correctional Officer
Department of Corrections
ACTION: DENIED

KEVIN OLIVEIRA, CASE NO. 03-1663
Correctional Officer
Department of Corrections
ACTION: GRANTED

JOE PATTERSON, CASE NO. 03-2548
Correctional Officer
Department of Corrections
ACTION: DENIED

DOREEN PETERS, CASE NO. 03-1561
Cook Specialist I, Correctional Facility
Department of Corrections
ACTION: DENIED

STEVEN RICHARDS, CASE NO. 02-2807
Correctional Officer
Department of Corrections
ACTION: GRANTED

ALAN TAO, CASE NO. 03-3258
Correctional Officer
Department of Corrections
ACTION: DENIED

ANTHONY VALDEZ, CASE NO. 03-1785
Correctional Officer
Department of Corrections
ACTION: GRANTED

JAMES WOODS, CASE NO. 02-3691
State Park Ranger Cadet
Department of Parks and Recreation
ACTION: DENIED

JOE YOUNG, CASE NO. 03-0822
State Park Ranger Cadet (Lifeguard)
Department of Parks and Recreation
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING
APPEALS - NONE

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS - NONE
MERIT ISSUE COMPLAINTS - NONE

(Examination Appeal Case)

JAMIE CHAVEZ, CASE NO. 02-1211
Employment Program Representative (EPR)
Employment Development Department
ACTION: GRANTED

D. RULE 212 OUT-OF-CLASS APPEALS - NONE
VOIDED APPOINTMENT APPEALS - NONE
RULE 211 APPEALS - NONE

E. REQUEST TO FILE CHARGES CASES
PETITIONS FOR REHEARING CASES - NONE

(Request to File Charges)

JOHN P. CORRAL, CASE NO. 03-0233
Staff Services Analyst
Department of Corrections
ACTION: DENIED

KARIN CHEN, CASE NO. 03-1101
Office Technician (Typing)
Department of Transportation
ACTION: DENIED

DEAN L. DRAKE, CASE NO. 02-4363
Correctional Officer
Department of Corrections
ACTION: DENIED

GLEN F. GREEN, CASE NO. 03-1127
A committed offender housed at Atascadero
State Hospital-Department of Mental Health
ACTION: DENIED

ROBERT DOUGLAS LEFORT, CASE NO. 03-1585
A committed offender housed at Atascadero
State Hospital-Department of Mental Health
ACTION: DENIED

F. PSYCHOLOGICAL SCREENING CASES - NONE

16. NON-HEARING CALENDAR

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY
ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

NONE

B. EXECUTIVE OFFICER DECISIONS REGARDING
REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) DEPUTY DIRECTOR II, ADMINISTRATION
The California Science Center's request to establish the above position to the CEA category has been disapproved effective June 2, 2004.
- (2) DEPUTY DIRECTOR, EXHIBITS
The California Science Center's request to establish the above position to the CEA category has been disapproved effective February 9, 2004.
- (3) CHIEF COUNSEL
The Department of Food and Agriculture's request to establish the above position to the CEA category has been approved effective June 2, 2004.
- (4) ASSISTANT SECRETARY, PROGRAM AND FISCAL AFFAIRS
The California Health and Human Services Agency's request to establish the above position to the CEA category has been withdrawn effective May 24, 2004.

- 19. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE
- 20. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

ADJOURNMENT

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on June 22, 2004.

VOTE: Alvarado, Sheehan, Tom – Aye.

LAURA AGUILERA
Interim Executive Officer
California State Personnel Board